

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

**PINNACLE PACKAGING
COMPANY, INC.,**
an Oklahoma corporation,
POLO ROAD LEASING, LLC,
an Oklahoma limited liability company,
and **J. SCOTT DICKMAN,**

Plaintiffs,

v.

Case No. 12-CV-537-GKF-TLW

ONE EQUITY PARTNERS LLC,
a Delaware limited liability company, and
CONSTANTIA FLEXIBLES GmbH,
an Austrian corporation,

Defendants.

AFFIDAVIT OF WOLFGANG SCHWAIGER

I, Wolfgang Schwaiger, state as follows:

1. I am over the age of 18 years, am of sound mind, suffer from no legal disabilities and am competent to make this Affidavit.
2. I am the Head of Communications of Defendant Constantia Flexibles GmbH (“Constantia”) and I am authorized to make this Affidavit on behalf of Constantia in support of its Motion to Dismiss for insufficient service of process and lack of personal jurisdiction in this lawsuit. In doing so I am not waiving any defenses to jurisdiction either individually or on behalf of Constantia. I am familiar with the allegations in the Complaint filed in the above-captioned lawsuit, and I make this Affidavit based on my personal knowledge and investigation and communications with officers and employees of Constantia.

3. Constantia is a privately-held company that is organized under the laws of Austria as a Gesellschaft mit beschränkter Haftung (“GmbH”), which is essentially the equivalent of a U.S. corporation, and its principal place of business is Vienna, Austria.

CONSTANTIA’S LACK OF CONTACTS WITH OKLAHOMA

4. Constantia does not conduct business, nor does it have a license to conduct business, in Oklahoma.

5. Constantia is not registered with the Oklahoma Secretary of State as a foreign corporation.

6. Constantia does not own, lease, or control property or assets in Oklahoma, nor does it maintain employees, offices, agents, bank accounts, or phone or fax listings there.

7. Constantia does not have shareholders who reside in Oklahoma, nor does Constantia advertise, solicit business, or travel to Oklahoma by way of salespeople or other representatives.

8. Constantia does not do any of the following in Oklahoma: pay taxes, visit potential customers, recruit employees, or generate a substantial portion of sales or income through revenue generated from Oklahoma customers.


ADDITIONAL RELEVANT FACTS

9. Christopher von Hugo is Vice Chairman of Constantia’s Supervisory Board.

10. In June 2012, Mr. von Hugo, acting in his role as Vice Chairman of Constantia’s Supervisory Board, and Mag. Jan Homan, Chairman of Constantia’s Supervisory Board, visited the facilities of Oracle Flexible Packaging, Inc. in North Carolina.

11. Mr. von Hugo, Richard Kelsey, Mag. Jan Homan, and Thomas Unger, all of whom are specifically named in the Complaint, reside in Europe.

Executed on November 15th, 2012 in Vienna, Austria.



Wolfgang Schwaiger
Head of Communications
Constantia Flexibles GmbH

Gebühr € 14,30 entrichtet

BRZ. 9728/2012

Die Echtheit vorstehender Unterschrift des Herrn Doktor Wolfgang **Schwaiger**, geboren am 25. (fünfundzwanzigsten) Februar 1953 (neunzehnhundertdreiundfünfzig), 1200 Wien, Handelskai 92, Rivergate, wird bestätigt. -----

Wien, am 15. (fünfzehnten) November 2012 (zweitausendzwoölf) -----

I herewith certify that the signature of Doktor Wolfgang **Schwaiger**, born on 25th (twenty-fifth) February 1953 (One thousand nine hundred and fifty-three), 1200 Vienna, Handelskai 92, Rivergate, is authentic. -----

Vienna, 15th (fifteenth) November 2012 (Two thousand and twelve) -----



DR. RUPERT BRIX
öff. Notar